

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MELISSA A. JOHN,

Plaintiff,

v.

KIMBERLY-CLARK CORPORATION AND
THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA.

Defendants.

Civil Action No. 1:20-CV-755-WCG

JOINT STIPULATION FOR DISMISSAL OF KIMBERLY CLARK CORPORATION

Plaintiff Melissa A. John (“Plaintiff”) and Defendant The Prudential Insurance Company of America (“Prudential”) (collectively “the parties”) by and through their respective attorneys, hereby stipulate as follows:

1. The parties acknowledge that Kimberly-Clark Corporation (“Kimberly Clark”) is not a necessary party to this action because the benefits at issue are fully insured by Prudential, and Prudential will be responsible for payment of any benefits awarded, as well as interest and attorneys’ fees, if any.
2. The foregoing statement shall not be interpreted as an admission by Prudential that Plaintiff’s allegations have any merit. Rather, Prudential continues to deny all such allegations.
3. Prudential will not defend against Plaintiff’s claim and/or cause of action under 29 U.S.C. § 1132(a)(1)(B) by asserting that Kimberly-Clark is at fault or is a necessary party to this action.

4. The parties agree that all claims against Kimberly-Clark should be dismissed without prejudice and without an award of fees or costs to any party.

Wherefore, the parties stipulate that the Kimberly-Clark Corporation should be dismissed from this lawsuit without prejudice and without an award of fees or costs to any party and request that Kimberly-Clark Corporation be removed from the caption of this matter.

Dated: June 5, 2020

Respectfully submitted,

MELISSA A. JOHN

By,

/s/ David D. Daul

David D. Daul
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Dated: June 5, 2020

Respectfully submitted,

THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA.

By,

/s/ Matthew A. Clabots

Matthew A. Clabots
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CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of June, 2020, I presented the foregoing JOINT STIPULATION FOR DISMISSAL WITH PREJUDICE OF KIMBERLY-CLARK CORPORATION with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following at their e-mail addresses on file with the Court:

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/s/ Matthew A. Clabots

Matthew A. Clabots

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